

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

DBest Products, Inc., ) Case No. **CV 25-4592-JFW(SKx)**  
Plaintiff, ) **STANDING ORDER**  
v. )  
Yuhuanhongshengmaoyiyouxiangongsi, )  
et al., )  
Defendants. )

**READ THIS ORDER CAREFULLY. IT CONTROLS THE CASE AND  
DIFFERS IN SOME RESPECTS FROM THE LOCAL RULES.**

This action has been assigned to the calendar of Judge John F. Walter. Both the Court and counsel<sup>1</sup> bear responsibility for the progress of litigation in Federal Court. To secure the just, speedy, and inexpensive determination of every action, all counsel are ordered to familiarize themselves with the Federal Rules of Civil Procedure, the Local Rules of the Central District of

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<sup>1</sup>Any reference in the Court's Standing Order (or any other court order) to "counsel" or "attorney" applies to parties appearing pro se unless the context requires otherwise.

1 California, the General Orders of the Central District and  
2 the Judge's Procedures and Schedules found on the website  
3 for the United States District Court for the Central District  
4 of California (www.cacd.uscourts.gov).

5 **1. Service of the Complaint:**

6 The plaintiff shall promptly serve the Complaint in  
7 accordance with Fed.R.Civ.P. 4 and shall file the proof(s) of  
8 service pursuant to the Local Rules. **The plaintiff is hereby**  
9 **notified that failure to serve the Complaint as required by**  
10 **Fed.R.Civ.P. 4(m) will result in the dismissal of the**  
11 **Complaint against the unserved defendant(s).**

12 **2. Presence of Lead Counsel:**

13 Lead trial counsel shall attend all proceedings before  
14 this Court and all Local Rule 7-3, scheduling, status, and  
15 settlement conferences. Only ONE attorney for a party may be  
16 designated as lead trial counsel unless otherwise permitted  
17 by the Court.

18 **3. Electronic Filing and Courtesy Copies:**

19 (a) Within ten days of a party's initial appearance, lead  
20 trial counsel shall file a declaration entitled, "Declaration  
21 of Lead Trial Counsel" which shall: (1) notify the Court that  
22 counsel has registered as an "CM/ECF User;" (2) include lead  
23 counsel's "E-Mail Address of Record;" and (3) confirm that  
24 lead counsel has read the Court's Standing Order and the  
25 Local Rules.

26 (b) All documents that are required to be filed in an  
27 electronic format pursuant to the Local Rules shall be filed  
28 electronically no later than 4:00 p.m. on the date due unless

1 otherwise ordered by the Court. Any documents filed  
2 electronically after 4:00 p.m. on the date due will be  
3 considered late and may be stricken by the Court. All  
4 documents filed electronically shall be filed in accordance  
5 with the Local Rule 5-4. Each PDF file shall contain no more  
6 than one document or exhibit, see Local Rule 5-4.3.1, and  
7 each document or exhibit shall be meaningfully described on  
8 the docket such that the document or exhibit can be easily  
9 identified. For example, if a declaration in support of a  
10 motion appears as Docket No. 30, exhibit 1 to the declaration  
11 should be filed as Docket No. 30-1 with a description of the  
12 exhibit that includes the title of the exhibit and the  
13 exhibit number (e.g., Exhibit 1: Letter from John Doe to Jane  
14 Doe dated January 1, 2021). Exhibit 2 to the declaration  
15 should be filed as Docket No. 30-2 with a description of the  
16 exhibit which includes the title of the exhibit and exhibit  
17 number (Exhibit 2: Letter from Jane Doe to John Doe dated  
18 January 2, 2021), and so on. Any documents that counsel  
19 attempt to file electronically that are improperly filed will  
20 not be accepted by the Court.

21 (c) Counsel are ORDERED to deliver **2 copies** of all  
22 documents filed electronically in this action to Chambers.  
23 For each document filed electronically, one copy shall be  
24 marked "CHAMBERS COPY" and the other copy shall be marked  
25 "COURTESY COPY." The "CHAMBERS COPY" and "COURTESY COPY" are  
26 collectively referred to herein as "Courtesy Copies." The  
27 Courtesy Copies of each electronically filed document must  
28 include on each page the running header created by the ECF

1 system. In addition, on the first page of each Courtesy  
2 Copy, in the space between lines 1 - 7 to the right of the  
3 center, counsel shall include the date the document was  
4 e-filed and the document number. The Courtesy Copies shall be  
5 single-sided and shall not be blue-backed. All documents must  
6 be stapled only in the top left-hand corner, the electronic  
7 proof of service must be attached as the last page of each  
8 document, and the exhibits attached to any document must be  
9 tabbed. Counsel shall not staple the "COURTESY COPY" and  
10 "CHAMBERS COPY" together. The "COURTESY COPY" and "CHAMBERS  
11 COPY" of all documents must be three-hole punched at the left  
12 margin with oversized 13/32" hole size, not the standard  
13 9/32" hole size. If the courtesy copy exceeds twenty-five  
14 pages, the courtesy copy shall be placed in a slant D-ring  
15 binder with each item of evidence separated by a tab divider  
16 on the right side. All documents contained in the binder must  
17 be three hole punched with the oversized 13/32" hole size,  
18 not the standard 9/32" hole size. The binder shall include a  
19 Table of Contents and the spine of the binder shall be  
20 labeled with its contents.

21 The Courtesy Copies shall be delivered to Chambers no  
22 later than 10:00 a.m. on the next business day after the  
23 document was electronically filed.

24 (d) For any document that is not required to be filed  
25 electronically, counsel are ORDERED to deliver 1 conformed  
26 copy of the document, which shall be marked "COURTESY COPY,"  
27 to Chambers **at the time of filing**. For any document or  
28 exhibit that is not required to be filed electronically,

1 counsel shall retain a copy of that document or exhibit until  
2 all appeals have been exhausted.

3 (e) If the Court has granted an application to file  
4 documents under seal, the Court's Courtesy Copies shall  
5 include a complete version of the documents including any  
6 sealed documents. Each document that has been filed under  
7 seal shall include a notation identifying that the document  
8 has been filed under seal, and shall be highlighted to show  
9 the portion of the document that has been redacted. For  
10 example, if the Court orders Ex. A to a Declaration filed  
11 under seal, the Court's Courtesy Copies of the Declaration  
12 should include Ex. A as an attachment with a notation that it  
13 has been filed under seal pursuant to the Court's order and  
14 any redactions shall be highlighted.

15 (f) In the unlikely event counsel finds it necessary to  
16 file a Notice of Errata: (1) the Notice of Errata shall  
17 specifically identify each error by page and line number and  
18 set forth the correction; and (2) a corrected version of the  
19 document in its entirety shall be attached to the Notice of  
20 Errata.

21 (g) When a proposed order or other proposed document  
22 accompanies an electronic filing, the proposed order or other  
23 proposed document shall be in PDF format and included, as an  
24 attachment, with the main electronically filed document  
25 (e.g., stipulations, applications, motions). Proposed orders  
26 or other proposed documents (such as a proposed judgment)  
27 that are not lodged with a main document shall be  
28 electronically lodged as an attachment to a Notice of

1 Lodging; if the proposed document is being submitted in  
2 response to a court order, the filer shall link the Notice of  
3 Lodging to that court order.

4 After a document requiring a judge's signature has been  
5 lodged, a WordPerfect or Microsoft Word copy of the proposed  
6 document, along with a PDF copy of the electronically filed  
7 main document, MUST be emailed to the chambers email address,  
8 EITHER by using the "Proposed Orders" link within the CM/ECF  
9 System OR by sending a separate email with the subject line  
10 in the following format: Court's divisional office, year,  
11 case type, case number, document control number assigned to  
12 the main document at the time of filing, judge's initials,  
13 and filer (party) type and name (e.g., for Los Angeles:  
14 LA08CV00123-6-ABC-Defendant). **Do not submit the proposed**  
15 **order twice.** Failure to comply with this requirement may  
16 result in the denial or striking of the request or the Court  
17 may withhold ruling on the request until the Court receives  
18 the required documents.

19 **4. Discovery:**

20 (a) All discovery matters have been referred to a United  
21 States Magistrate Judge. (The Magistrate Judge's initials  
22 follow the Judge's initials next to the case number.) All  
23 discovery documents must include the words "DISCOVERY MATTER"  
24 in the caption to ensure proper routing. Counsel are  
25 directed to contact the Magistrate Judge's Courtroom Deputy  
26 to schedule matters for hearing.

27 All decisions of the Magistrate Judge shall be final,  
28 subject to modification by the District Court only where it

1 is shown that the Magistrate Judge's Order is clearly  
2 erroneous or contrary to law. Any party may file and serve a  
3 motion for review and reconsideration before this Court. The  
4 moving party must file and serve the motion within fourteen  
5 calendar days of service of a written ruling or within  
6 fourteen calendar days of an oral ruling that the Magistrate  
7 Judge states will not be followed by a written ruling. The  
8 motion must specify which portions of the ruling are clearly  
9 erroneous or contrary to law and support the contention with  
10 a memorandum of points and authorities. Counsel shall  
11 deliver a courtesy copy of the moving papers and responses to  
12 the Magistrate Judge.

13 (b) Counsel shall begin to actively conduct discovery  
14 before the Fed.R.Civ.P. 26(f) conference because at the  
15 Scheduling Conference the Court will impose tight deadlines  
16 to complete discovery. If the action is a putative class  
17 action, the parties shall begin to conduct discovery  
18 immediately, so that the Motion for Class Certification can  
19 be timely filed.

20 **5. Motions:**

21 **(a) Time for Filing and Hearing Motions:**

22 Motions shall be filed in accordance with the Local  
23 Rules. This Court hears motions on **Mondays commencing at**  
24 **1:30 p.m.** Once a party has noticed a motion for hearing on a  
25 particular date, the hearing shall not be continued without  
26 leave of Court. No supplemental briefs shall be filed  
27 without leave of Court. Courtesy Copies shall be provided to  
28 the Court in accordance with Section 3 of this Order. No

1 motion shall be noticed for hearing more than 35 calendar  
2 days after service of the motion unless otherwise ordered by  
3 the Court. Documents not filed in compliance with the  
4 Court's requirements will be stricken and will not be  
5 considered by the Court.

6 **(b) Local Rule 7-3:**

7 Among other things, Local Rule 7-3 requires counsel to  
8 engage in a pre-filing conference to discuss thoroughly the  
9 substance of the contemplated motion and any potential  
10 resolution. Counsel should discuss the issues with  
11 sufficient detail so that if a motion is still necessary, the  
12 briefing may be directed to those substantive issues  
13 requiring resolution by the Court.

14 Many motions to dismiss or to strike could be avoided if  
15 the parties confer in good faith especially for perceived  
16 defects in a Complaint, Answer, or Counterclaim that could be  
17 corrected by amendment. *See, e.g., Eminence Capital, LLC v.*  
18 *Aspeon, Inc.*, 316 F.3d 1048, 1052 (9th Cir. 2003) (where a  
19 motion to dismiss is granted, a district court should provide  
20 leave to amend unless it is clear that the Complaint could  
21 not be saved by any amendment). The Ninth Circuit requires  
22 that this policy favoring amendment be applied with "extreme  
23 liberality." *Morongo Band of Mission Indians v. Rose*, 893  
24 F.2d 1074, 1079 (9th Cir. 1990).

25 These principles require counsel for the plaintiff to  
26 carefully evaluate the defendant's contentions as to the  
27 deficiencies in the Complaint, and in most instances, counsel  
28 should agree to any amendment that would cure a curable



1 defect. Counsel should, at the very least, resolve minor  
2 procedural or other non-substantive matters during the  
3 conference.

4 All 7-3 conferences shall be conducted **in person** by lead  
5 counsel. If lead counsel are not both located within the  
6 Central District of California, the conference may take place  
7 via video (letters and e-mail do not constitute a proper 7-3  
8 conference). The pro se status of one or more parties does  
9 not excuse compliance with Local Rule 7-3.

10 Notwithstanding the exemption for preliminary injunction  
11 motions in Local Rule 7-3, counsel contemplating filing a  
12 preliminary injunction motion shall comply with Local Rule 7-  
13 3 and meet and confer **in person** at least five days prior to  
14 the filing of such a motion.

15 Not more than two calendar days after the 7-3 conference  
16 for any contemplated motion (and at least five calendar days  
17 prior to filing the contemplated motion), counsel shall file  
18 a joint statement indicating the date of, duration of, and  
19 method of communication used during the conference and the  
20 participants in the conference. In addition, the joint  
21 statement shall detail the issues discussed and resolved  
22 during the conference and the issues remaining. Failure to  
23 strictly comply with the Court's requirements or Local Rule  
24 7-3 will result in the striking and/or the denial of the  
25 motion.

26 **(c) Length and Format of Motion Papers:**

27 **Memoranda of Points and Authorities in support of or in**  
28 **opposition to motions shall not exceed 25 pages. Replies**

1 **shall not exceed 12 pages.** Only in rare instances and for  
2 good cause shown will the Court grant an application to  
3 extend these page limitations.

4 **Typeface shall comply with the Local Rules. NOTE: If**  
5 **Times Roman is used, the font size must be no less than 14;**  
6 **if Courier is used, the font size must be no less than 12.**

7 Footnotes shall be in the same typeface and font size as the  
8 text and shall be used sparingly.

9 Documents which do not conform to the Local Rules and  
10 this Order will not be considered.

11 **(d) Citations to Case Law:**

12 Citations to case law **must** identify not only the case  
13 being cited, but the specific page referenced. In the event  
14 it is necessary to cite to Westlaw or Lexis, the Court  
15 prefers that counsel cite to Westlaw. Hyperlinks for case  
16 citations must be included.

17 **(e) Citations to Other Sources:**

18 Statutory references should identify, with specificity,  
19 which sections and subsections are being referenced (e.g.,  
20 Jurisdiction over this claim for relief may appropriately be  
21 found in 47 U.S.C. § 33, which grants the district courts  
22 jurisdiction over all offenses of the Submarine Cable Act,  
23 whether the infraction occurred within the territorial waters  
24 of the United States or on board a vessel of the United  
25 States outside said waters). Statutory references which do  
26 not specifically indicate the appropriate section and  
27 subsection (e.g., Plaintiffs allege conduct in violation of  
28

1 the Federal Electronic Communication Privacy Act, 18 U.S.C. §  
2 2511, *et seq.*) are to be **avoided**. Citations to treatises,  
3 manuals, and other materials should similarly include the  
4 volume and the section referenced.

5 **(f) Proposed Statement of Decision**

6 Not more than two days after the deadline for filing the  
7 Reply, each party shall lodge a Proposed Statement of  
8 Decision, which shall contain a statement of the relevant  
9 facts and applicable law with citations to case law and the  
10 record. The Proposed Statement of Decision shall not exceed  
11 fifteen pages and shall be in a form that would be  
12 appropriate for the Court to enter as its final order on the  
13 motion. The Proposed Statement of Decision shall be  
14 submitted to the Court in accordance with the Local Rules and  
15 shall be e-mailed in WordPerfect or Word format to the  
16 Chambers' e-mail address (JFW\_Chambers@cacd.uscourts.gov) at  
17 the time of filing. Failure to lodge the Proposed Statement  
18 of Decision will result in the denial or granting of the  
19 motion.

20 **(g) Opposing Papers**

21 Within the deadline prescribed by the Local Rules, a  
22 party opposing a motion shall file: (1) an Opposition; or (2)  
23 a Notice of Non-Opposition. If a party files a Notice of  
24 Non-Opposition to a motion under Federal Rule of Civil  
25 Procedure 12(b), (e), or (f), that party shall state whether  
26 it intends to file an amended complaint in accordance with  
27 Federal Rule of Civil Procedure 15(a)(1).  
28

1        **Failure to timely respond to any motion shall be deemed**  
2 **by the Court as consent to the granting of the motion. See**  
3 **Local Rules.**

4        **(h) Amended Pleadings**

5        Whenever a plaintiff files an amended pleading, a  
6 redlined version of the amended pleading shall be filed and  
7 delivered to Chambers indicating all additions and deletions  
8 to the prior version of that pleading.

9        In addition to the requirements of the Local Rules, all  
10 motions to amend the pleadings shall: (1) state the effect of  
11 the amendment; and (2) state the page, line number(s), and  
12 wording of any proposed change or addition of material.

13        In the event the Court grants a motion to dismiss without  
14 prejudice to filing an amended complaint, the plaintiff shall  
15 file an amended complaint within the time period specified by  
16 the Court. If no time period is specified by the Court, the  
17 plaintiff shall file an amended complaint within fourteen  
18 calendar days of the date of the order granting the plaintiff  
19 leave to file an amended complaint. Failure to file an  
20 amended complaint within the time allotted will result in the  
21 dismissal of the action with prejudice.

22        **(i) Motions for Class Certification**

23        Motions for Class Certification shall be filed within 120  
24 days after service of a pleading purporting to commence a  
25 class action (or if applicable 120 days after service of the  
26 Notice of Removal), unless otherwise ordered by the Court.  
27 Failure to timely file a Motion for Class Certification will  
28

1 result in the striking of the class allegations from the  
2 operative pleading.

3 **6. Ex Parte Applications:**

4 Ex parte applications are solely for extraordinary  
5 relief. See *Mission Power Eng'g Co. v. Continental Cas. Co.*,  
6 883 F. Supp. 488 (C.D. Cal. 1995). Applications that fail to  
7 conform with the Local Rules, including a statement of  
8 opposing counsel's position, will not be considered. In  
9 addition to electronic service, the moving party shall  
10 immediately serve the opposing party by e-mail or hand  
11 service and shall notify the opposing party that any  
12 opposition must be filed not later than twenty-four hours  
13 after the filing of the ex parte application. If counsel  
14 does not intend to oppose the ex parte application, counsel  
15 shall immediately inform the Courtroom Deputy by e-mail and  
16 immediately file a Notice of Non-Opposition. The Court  
17 considers ex parte applications on the papers and usually  
18 does not set the matters for hearing. Courtesy Copies of all  
19 moving and opposition (or non-opposition) papers shall be  
20 provided to the Court in accordance with Section 3 of this  
21 Order. The Courtroom Deputy will notify counsel of the  
22 Court's ruling or a hearing date and time, if the Court  
23 determines a hearing is necessary.

24 **7. Applications or Stipulations to Extend the Time to File**  
25 **any Required Document or to Continue Any Date:**

26 No application or stipulation to extend the time to file  
27 any required document or to continue any date is effective  
28 unless and until the Court approves it. Any application or

1 stipulation to extend the time to file any required document  
2 or to continue any date must set forth the following:

3 (a) the existing due date or hearing date, as well as  
4 all dates set by the Court, including the discovery cut-off  
5 date, the Pre-Trial Conference date, and the Trial date;

6 (b) the new dates proposed by the parties;

7 (c) specific, concrete reasons supporting good cause for  
8 granting the extension; and

9 (d) whether there have been prior requests for extensions  
10 by any party, and whether those requests were granted or  
11 denied by the Court.

12 The application or stipulation must be accompanied by a  
13 separate proposed order. The proposed order shall include  
14 the existing due date(s) or hearing date(s) as well as the  
15 new proposed date(s).

16 Failure to comply with the provisions of this section may  
17 result in the denial of the application or stipulation.

18 **8. Temporary Restraining Orders and Injunctions:**

19 **(a) Documentation Required:**

20 Parties seeking emergency or provisional relief shall  
21 comply with Fed.R.Civ.P.65 and the Local Rules. An ex parte  
22 application for a temporary restraining order must be  
23 accompanied by: (1) a copy of the complaint; (2) a separate  
24 memorandum of points and authorities in support of the  
25 application; (3) the proposed temporary restraining order and  
26 a proposed order to show cause why a preliminary injunction  
27 should not issue; and (4) such other documents in support of  
28 the application that the party wishes the Court to consider.

1 Courtesy Copies of these documents shall be immediately  
2 delivered to Chambers.

3 **(b) Notice of Ex Parte Applications:**

4 Unless relieved by order of the Court for good cause  
5 shown, on or before the day counsel files an ex parte  
6 application for a temporary restraining order, counsel must  
7 personally serve notice and all documents in support of the  
8 ex parte application and a copy of the Court's Standing Order  
9 on opposing counsel or party. Counsel shall also notify the  
10 opposing party that any opposition must be filed no later  
11 than twenty-four hours after the service of the ex parte  
12 application. Counsel shall immediately file a Proof of  
13 Service.

14 If counsel does not intend to oppose the ex parte  
15 application, counsel shall immediately inform the Courtroom  
16 Deputy by e-mail and immediately file a Notice of Non-  
17 Opposition. The Court considers ex parte applications on the  
18 papers and usually does not set the matter for hearing.  
19 Courtesy Copies of all moving, opposition, or non-opposition  
20 papers shall be provided to the Court in accordance with  
21 Section 3 of this Order. The Courtroom Deputy will notify  
22 counsel of the Court's ruling or a hearing date and time, if  
23 the Court determines a hearing is necessary.

24 **9. Proposed Protective Orders and Filings Under Seal:**

25 Protective orders pertaining to discovery must be  
26 submitted to the assigned Magistrate Judge. Proposed  
27 protective orders should not purport to allow, without  
28 further order of Court, the filing under seal of pleadings or

1 documents filed in connection with a hearing or trial before  
2 the Court. The existence of a protective order does not  
3 alone justify the filing of pleadings or other documents  
4 under seal, in whole or in part.

5 An application to file documents under seal must meet the  
6 requirements of the Local Rules and shall be limited to three  
7 documents by a party, unless otherwise ordered by the Court.  
8 The application to file documents under seal should not be  
9 filed under seal. There is a strong presumption of the  
10 public's right of access to judicial proceedings and records  
11 in civil cases. In order to overcome the presumption in  
12 favor of access, the movant must demonstrate compelling  
13 reasons (as opposed to good cause) for the sealing if the  
14 sealing is requested in connection with a dispositive motion  
15 or trial, and the relief sought shall be narrowly tailored to  
16 serve the specific interest sought to be protected. *Pintos*  
17 *v. Pacific Creditors Ass'n*, 605 F.3d 665 (9th Cir. 2010),  
18 *Kamakana v. City and County of Honolulu*, 447 F.3d 1172 (9th  
19 Cir. 2006), *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d  
20 1122, 1135 (9th Cir. 2003).

21 For each document or other type of information sought to  
22 be filed under seal, the party seeking protection must  
23 articulate compelling reasons supported by specific facts or  
24 legal justification that the document or type of information  
25 should be protected. The facts supporting the application to  
26 file documents under seal must be provided by a declaration.  
27 The declaration shall attach an unredacted copy of each  
28 document to be filed under seal. The parties are ordered to



1 highlight the portion of the document containing counsel's  
2 proposed redactions. Documents that are not confidential or  
3 privileged in their entirety will not be filed under seal if  
4 the confidential portions can be redacted and filed  
5 separately. The declarations in support of the application  
6 to file documents under seal shall include an explanation of  
7 why redaction is not feasible.

8 If the parties anticipate requesting the Court to file  
9 more than three documents under seal in connection with any  
10 motion, they shall identify all such documents that will be  
11 required to support and oppose the motion during the Local  
12 Rule 7-3 conference. The parties shall then meet and confer  
13 in order to determine if the documents satisfy the  
14 "compelling need" standard for "sealing" each document.  
15 Thereafter, the parties shall file a joint application and  
16 lodge a proposed order to file under seal all such documents  
17 with the required showing as to each document. The joint  
18 application shall be filed promptly so that the Court may  
19 rule on the application before the filing date for the  
20 motion. The parties shall not file any pleadings containing  
21 documents they have requested the Court to file under seal  
22 until the Court acts on the application to file under seal.

23 If a party wishes to file a document that has been  
24 designated confidential by another party, the submitting  
25 party must give any designating party five calendar days  
26 notice of intent to file. If the designating party objects,  
27 it should notify the submitting party and file an application  
28 to file documents under seal within two court days.

1 If an application to file documents under seal is denied  
2 in part or in full, the lodged documents will not be filed.  
3 The Courtroom Deputy will notify the submitting party, and  
4 hold the lodged documents for three court days to allow the  
5 submitting party to retrieve the documents. If the documents  
6 are not retrieved, the Courtroom Deputy will dispose of the  
7 documents.

8 If the Court grants an application to file documents  
9 under seal, the parties shall file within two days of the  
10 Court's Order a complete version of the documents under seal  
11 and a redacted version for public viewing (omitting only such  
12 portions as the Court has ordered to be filed under seal).  
13 The Court's Courtesy Copies of all documents filed under seal  
14 shall include a complete version of the documents with a  
15 notation identifying that the document has been filed under  
16 seal and shall be highlighted to show the portion of the  
17 document that has been redacted. Should counsel fail to file  
18 the under seal version and redacted version of the documents,  
19 the Court will strike any motion that relies on or relates to  
20 those documents and/or file those documents in the public  
21 record.

22 **10. Cases Removed From State Court:**

23 Within five days of removal, all documents filed in state  
24 court, including documents attached to the Complaint,  
25 Answer(s), and Motion(s), must be re-filed in this Court as a  
26 separate supplement to the Notice of Removal. The Courtesy  
27 Copies of the supplement shall be prepared in accordance with  
28 Section 3 of this Order. If the defendant has not yet

1 answered or moved, the Answer or responsive pleading filed in  
2 this Court must comply with the Federal Rules of Civil  
3 Procedure and the Local Rules of the Central District. If  
4 before the case was removed a motion was pending in state  
5 court, it must be re-noticed in accordance with the Local  
6 Rules.

7 **11. Actions Transferred From Another District**

8 Counsel shall file, within ten days of transfer, a Joint  
9 Report summarizing the status of the action which shall  
10 include a description of all motions filed in the action and  
11 the transferor court's ruling on the motions. In addition,  
12 counsel shall deliver (but not file) one courtesy copy to  
13 Chambers of each document on the docket of the transferor  
14 court. On the first page of each courtesy copy, in the space  
15 between lines 1 - 7, to the right of the center, counsel  
16 shall include the date the document was filed and the  
17 document number. The courtesy copies shall be placed in a  
18 slant D-ring binder in chronological order with each document  
19 separated by a tab divider on the right side. All documents  
20 contained in the binder must be three hole punched with the  
21 oversized 13/32" hole size, not the standard 9/32" hole size.  
22 The binder shall include a Table of Contents and the spine of  
23 each binder shall be labeled with its contents. The courtesy  
24 copies shall be delivered to Chambers within ten days of the  
25 transfer.

26 / / /

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28 / / /

1 **12. Status of Fictitiously Named Defendants:**

2 This Court adheres to the following procedures when a  
3 matter is removed to this Court on diversity grounds with  
4 fictitiously named defendants referred to in the Complaint:

5 (a) Plaintiff shall ascertain the identity of and serve  
6 any fictitiously named defendants within 90 days of the date  
7 that the Complaint was filed in State Court.

8 (b) If plaintiff believes (by reason of the necessity for  
9 discovery or otherwise) that fictitiously named defendants  
10 cannot be fully identified within the 90-day period, an ex  
11 parte application requesting permission to extend the period  
12 to effectuate service may be filed with the Court. Such  
13 application shall state the reasons therefore, and will be  
14 granted only upon a showing of good cause. The ex parte  
15 application shall be served upon all appearing parties, and  
16 shall state that appearing parties may respond within seven  
17 calendar days of the filing of the ex parte application.

18 (c) If plaintiff desires to substitute a named defendant  
19 for one of the fictitiously named defendants, plaintiff shall  
20 first seek the consent of counsel for all defendants (and  
21 counsel for the fictitiously named party, if that party has  
22 separate counsel). If consent is withheld or denied,  
23 plaintiff shall file an ex parte application requesting such  
24 amendment, with notice to all appearing parties. Each party  
25 shall have seven calendar days to respond. The ex parte  
26 application and any response should comment not only on the  
27 substitution of the named party for a fictitiously named  
28 defendant, but on the question of whether the matter should

1 thereafter be remanded to the Superior Court if diversity of  
2 citizenship is destroyed by the addition of the new  
3 substituted party.

4 **13. Bankruptcy Appeals:**

5 Counsel shall comply with the Notice Regarding Appeal  
6 From Bankruptcy Court issued at the time the appeal is filed  
7 in the District Court. Counsel are ordered to notify the  
8 Court in a joint report if the Certificate of Readiness has  
9 not been prepared by the Clerk of the Bankruptcy Court and  
10 submitted to the Clerk of the District Court within 90 days  
11 of the date of this Order.

12 The matter is considered submitted upon the filing of the  
13 final brief. No oral argument is held unless ordered by the  
14 Court.

15 **14. Communications with Chambers:**

16 Counsel shall not attempt to contact the Court or its  
17 Chambers staff by telephone or by any other ex parte means,  
18 although counsel may contact the Courtroom Deputy at  
19 JFW\_Chambers@cacd.uscourts.gov with appropriate inquiries  
20 after reviewing the Federal Rules of Civil Procedure, the  
21 Local Rules, and this Court's Orders. To facilitate  
22 communication with the Courtroom Deputy, counsel should list  
23 their e-mail addresses and their telephone numbers on all  
24 papers.

25 **15. Notice of This Order:**

26 Counsel for plaintiff shall immediately serve this Order  
27 on all parties, including any new parties to the action. If  
28

1 this case came to the Court by removal, defendant shall serve  
2 this Order on all other parties.

3 **Caveat:** If counsel fail to cooperate in the preparation  
4 of the required Joint Rule 26 Report or fail to file the  
5 required Joint Rule 26 Report, or if counsel fail to appear  
6 at the Scheduling Conference, the Pre-Trial Conference and/or  
7 any other proceeding scheduled by the Court, and such failure  
8 is not otherwise satisfactorily explained to the Court: (a)  
9 the cause shall stand dismissed for failure to prosecute, if  
10 such failure occurs on the part of the plaintiff; (b) default  
11 judgment shall be entered, if such failure occurs on the part  
12 of the defendant; or (c) the Court may take such action as it  
13 deems appropriate.

14  
15 IT IS SO ORDERED.

16  
17 DATED: May 23, 2025

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19 \_\_\_\_\_  
20 JOHN F. WALTER  
21 UNITED STATES DISTRICT JUDGE  
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